



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/334,054	06/15/1999	DAVID W. JOHNSON	11381	4885
22827	7590	05/23/2006		
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			EXAMINER MIGGINS, MICHAEL C	
			ART UNIT	PAPER NUMBER
			1772	
DATE MAILED: 05/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/334,054

Applicant(s)

JOHNSON, DAVID W.

Examiner

Michael C. Miggins

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12, 13, 21, 31, 32 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 13, 21, 31, 32 and 34-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

#### **REJECTIONS WITHDRAWN**

1. All of the previous rejections of record have been withdrawn.

#### **REJECTIONS REPEATED**

2. There are no rejections repeated.

#### **NEW REJECTIONS**

##### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-6, 10, 12-13, 21, 31 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drag et al. (CS 9005117 A2, English title and citation page included herein) in view of Nash (US 5620773).

Drag discloses a surface-modified glove comprising a rubber glove which comprises colloidal silica coated on its outer surface wherein no separate binder is used to affix the colloidal silica to the surface and wherein the silica is conductive (since anything is conductive if enough voltage is applied and applicant does not specify anything about the electrical conductivity in the claims) and further including an inside surface treatment thereof (since styrene is coated on the inner surface).

Art Unit: 1772

Drag fails to disclose that the colloidal is partially embedded in the surface, an elastomeric matrix.

Nash discloses a glove wherein the colloidal is partially embedded in the surface (since the colloidal silica is allowed to float freely in the carrier and is deposited on the surface thus at least some of the particles will be embedded in the surface), an elastomeric, natural latex, nitrile rubber matrix (column 2, line 57 through column 3, line 20) for the purpose of strengthening the glove upon curing.

Therefore it would have been obvious at the time applicant's invention was made to have provided that the colloidal is partially embedded in the surface, an elastomeric matrix in the glove of Drag in order to provide improved strength upon curing of the glove.

Drag and Nash discloses the claimed invention except for the materials of the matrix, all of which are well known materials for making gloves. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided recited matrix materials in order to improve the bulk properties of the gloves, since it has been held to within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

5. Claims 2, 5 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drag et al. (CS 9005117 A2, English title and citation page included herein) in view

Art Unit: 1772

of Nash (US 5620773), as applied to claims 1, 3-6, 10, 12-13, 21, 31 and 35-36 above, and further in view of Arnold (GB 2321902, cited in a previous action).

Drag does not disclose that the silica particles have a maximum dimension of from about 10 nanometers to about 100 nanometers.

Arnold discloses silica particles have a maximum dimension of from about 10 nanometers to about 100 nanometers in a rubber latex for use in condoms in order to provide increased tear strength.

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided silica particles which have a maximum dimension of from about 10 nanometers to about 100 nanometers in the gloves of Drag in order to provide improved tear strength as taught or suggested by Arnold.

6. Claims 7-9 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drag et al. (CS 9005117 A2, English title and citation page included herein) in view of Nash (US 5620773), as applied to claims 1, 3-6, 10, 12-13, 21, 31 and 35-36 above, and further in view of Korklan et al. (US 4204907).

Drag fails to disclose wherein aluminum chlorohydrate is coated on the colloidal silica.

Korklan discloses aluminum chlorohydrate is coated on colloidal silica (column 2, line 53 through column 3, line 29) in order to control application of the colloidal silica.

It would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided aluminum chlorohydrate is coated on

Art Unit: 1772

colloidal silica in the gloves of Drag in order to control the application of colloidal silica as taught or suggested by Korklan.

### **ANSWERS TO APPLICANT'S ARGUMENTS**

7. Applicant's arguments of 5/3/06 have been carefully considered but are moot in view of the new grounds for rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

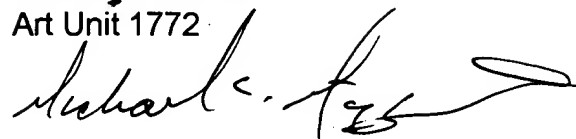
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael C. Miggins

Art Unit: 1772

Primary Examiner

Art Unit 1772

A handwritten signature in black ink, appearing to read "Michael C. Fyfe", written over the printed name of the Primary Examiner.

MCM

May 19, 2006